REMARKS

In accordance with the foregoing, claims 1-7 are pending and under consideration.

NO INTERVIEW

Applicant's representative asked for an interview on March 30, 2007 (see the attached interview request.) The Examiner refused to grant a personal interview and suggested filing a written response instead, but he said he would reconsider the rejection of the claims, upon submission of a formal response.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claim 1-7 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0188499 by Jenkins et al. (hereinafter "Jenkins").

In the Amendment filed on November 2, 2006, Applicants argued that the level in each stock-keeping unit (SKU) and planned arrival/orders of Jenkins does not anticipate the switching information recited in claim 1. In the outstanding Office Action (mailed on January 23, 2007), paragraph [0039] of Jenkins (reproduced below) and the same level in each SKU is indicated as anticipating the switching information.

> [0039] Using the sourcing table in the database 600, the planning component 210 determines a level for each SKU. Level zero may consist of SKUs that have no destinations or parents. Level one SKUs are sources or subordinates that replenish SKUs at level zero. The highest-numbered level consists of source or subordinate SKUs that have no sources or subordinates. The planning component 210 generates planned arrivals or planned orders for one item at a time. Within each item, it plans generally all the SKUs at one level before planning the next level, beginning at level zero. Going through the planning period, the planning component 210 processes all demand for the SKU. When the planning component 210 begins planning a SKU, it calculates new end dates for a planning lead time and the freeze period.

However, further, in the "Response to Arguments" section of the outstanding Office Action, the Examiner submits that Jenkins "[discloses] depending on data, the system uses one of two styles of aggregation forecast or inventory (¶¶ 0083-84), thus indeed disclosing performing selectively, depending upon the switching information, a supply-demand planning per

order or a supply-demand planning based on total amount of order."[1] The indicated paragraphs of Jenkins are reproduced below:

> [0083] Because a SKU can have multiple sources, it can be a member of many networks at the same time. The system 100 aggregation computations account for multiple memberships by assigning each membership a factor. The membership factor is the product of the factors of the SKUs source and any other sources above it in the distribution network. For computational purposes the top of the network is always assigned a factor of one. Membership is computed over the entire duration for which orders will be evaluated. This is necessary to correctly evaluate an order's status with regard to the network.

> [0084] Depending on the data contained in a column, the system uses one of two styles of aggregation forecast or inventory.

Applicants respectfully submit that the Examiner's position is inconsistent and therefore incorrect. In rejecting claim 1, the Examiner indicates switching information corresponding to "level of each SKU and planned arrivals/orders." However, when discussing paragraphs [0083]-[0084] of Jenkins, the recited "switching information" is assimilated to "data" or as discussed in [0083] to "a membership factor". This picking and choosing words without considering their meaning leads to logical inconsistencies and does not rebut the Applicants' argument that Jenkins does not disclose the switching information. Further, the cited two styles of aggregation forecast or inventory do not correspond to a supply-demand per order and a supply-demand planning based on total amount of order. In other words, disparate teachings of the prior art are combined without regard to the teachings of the reference as a whole.

Although, Jenkins discloses a system and method for optimally resolving conflicts related to product availability, by creating time-phased inventory plans that meet customer requirements while minimizing inventory and maximizing profit by ensuring the right inventory at the right locations, Jenkins does not teach the supply-demand planning in a supply chain as recited in claim 1. In particular, Jenkins does not teach "performing selectively, depending upon the switching information, a supply-demand planning per order or a supply-demand planning based on total amount of orders. "

To summarize, SKU level as disclosed in paragraph [0039] of Jenkins does not correspond to the switching information. The two styles of aggregation forecast or inventory are NOT switched based on the SKU level but based on data which is not the SKU level alleged to have corresponded to the switching information. Moreover, the two styles of aggregation do NOT correspond to the supply and demand planning per order or supply and demand planning based

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[1] See Office Action mailed January 23, 2007, Page 6, lines 1-4.

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on total amount of orders.

Applicants respectfully submit that Jenkins in the indicated portions or as a whole does not teach or suggest anything like the switching information as described and used in the claims.

Accordingly, Applicants respectfully traverse and request reconsideration of the rejection based on Jenkins.[2] Claim 2 depending from claim 1 is also patentable at least by inheriting patentable features from independent claim 1.

Claim 3 patentably distinguishes over Jenkins at least by reciting "performing selectively, depending upon the switching information, a supply-demand planning per order or a supply-demand planning based on total amount of orders", since Jenkins does not teach the switching information.

Claim 4 patentably distinguishes over Jenkins at least by reciting "fetching switching information corresponding to a base and an item from a table" and "performing selectively, depending upon the switching information, a supply-demand planning per order or a supply-demand planning based on total amount of orders" , since Jenkins does not teach the switching information.

Claim 5 is also patentable over Jenkins at least by reciting "making the supply demand planning in the whole chain by selectively using the procurement-driven planning or the manufacturing-driven planning based on switching information that is associated with a combination of a base and an item", since Jenkins does not teach the switching information.

Claims 6 and 7 are patentable at least by reciting "a table of orders, each order relating to an item and an entity within a supply chain and including switching information related to either a procurement-driven supply-demand planning or a manufacturing-driven supply-demand planning" and "a planning unit that generates a supply-demand plan according to the procurement-driven supply-demand planning or the manufacturing-driven supply-demand planning associated with the switching information", since Jenkins does not teach the switching information.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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[2] See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added).
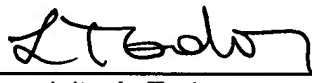
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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